

## Information Sheet

### Trees on Residential Lots

#### Chapter 22

Listed below are several sections from Chapter 22 of the Germantown Code of Ordinances that relate to trees on private property. The entire ordinance can be viewed online by going through the City's website – [www.germantown-tn.gov](http://www.germantown-tn.gov) under the Government heading.

#### **Sec. 22-134. Tree maintenance.**

(a) The practice of tree topping is prohibited on all public trees except that utility lines may be protected from tree growth by branch removal at branch or trunk junctures.

(b) Tree pruning shall be performed in a manner that protects the public. Public and private trees growing along streets and sidewalks must be pruned such that the area above a sidewalk surface is clear of branches for a minimum of eight feet and above a street surface for a minimum of 12 feet. Tree branches shall not obstruct the view from the roadway of any street sign or stop sign. No structure, planting or object of natural growth shall be placed or permitted to remain within a triangle formed by connecting the three points which are the intersection of the extension of the adjacent rights-of-way and the points 50 feet from the intersection, along each right-of-way line. A structure, planting or object of natural growth, excluding trees, between the heights of 30 inches to 96 inches, shall be deemed as obstructing visibility. This measurement shall be made from the top-of-curb. Private trees shall be kept pruned of any dead, diseased or structurally damaged limbs or branches which could fall into the right-of-way or onto public property and thereby constitute a menace to public safety.

(Code 1986, § 23-11)

#### **Sec. 22-136. Removal of dead trees on private property.**

(a) *General provisions:* The removal of dead trees within the city is deemed to sometimes be necessary to protect the safety of persons and property, to remove the risk of damage to overhead lines and obstruction of streets and to enhance the aesthetics of the city.

(1) When the city determines that a dead tree should be removed, it shall provide written notice to the owner of the property upon which the tree is situated. Such notice shall be mailed to the person(s) shown on the records of the Shelby County Tax Assessor as the owner(s) of the property by certified mail, return receipt requested.

(2) Notice sent by the city as aforesaid shall advise the owner of the property to remove the dead tree not later than 30 days from the date of the mailing of the notice except as provided in subsection (a)(3) of this section.

(3) In the event that the city determines that the dead tree poses an imminent safety hazard to the general public or adjacent properties, the notice aforesaid may establish a time requirement for removal shorter than 30 days.

(b) *Failure of property owners to remove dead trees:*

(1) If a property owners fails to remove a dead tree within the time specified in the written notice from the city, such shall constitute a violation of this division and shall be punishable by a fine of not more than \$500.00 per day.

(2) In addition to the fine provided in the immediately aforesaid section, if a property owner fails to remove a dead tree within the time specified in the written notice from the city, and if the city determines that the dead tree constitutes an imminent threat to the property of others or to the general public or could result in damage to overhead lines or obstruction of streets, the city shall have the right to enter upon the property and remove the tree, and all costs incurred by the city in such regard shall be due and payable from the property owner(s) to the city upon demand, and, if not paid, the city shall have the right to file a notice of lien in the Register's Office of Shelby County, Tennessee and proceed to collect such costs and enforce such lien in accordance with the provision of law.

(Ord. No. 2000-19, 1-22-01)

**Sec. 22-137. Trees of historic or special significance.**

A tree of significant age, size or history can constitute a unique asset to the community. The board of mayor and aldermen, upon the recommendation of the parks and recreation department, can designate a unique specimen as a Germantown heritage tree. A public tree so designated will be given special protection and maintenance, and special recognition as the situation warrants.

(Code 1986, § 23-13; Ord. No. 2000-19, 1-22-01)

**Sec. 22-139. Official city tree.**

It is hereby decreed that the Quercus Phellos, Willow Oak, shall be the official city tree. This selection is made because of its history, superior form and shape, and its strength of structure and life span in our geographic area. While it is not recommended that this species be selected over other species in planting on public or private property, it is recommended that the tree be recognized as a symbol of the city community.

(Code 1986, § 23-15; Ord. No. 2000-19, 1-22-01)

**Sec. 22-166. Proper maintenance required.**

All trees, shrubs, and other landscaping shall be properly maintained to remain in a healthy growth state and any dead growth shall be removed. Any vegetation, including native and/or wild vegetation in lawn areas or adjacent to a building or structure, that is so overgrown or lacking maintenance as to be unsightly to neighboring property or not in character with the neighborhood or, potentially, because of size and lack of maintenance, shall be removed or trimmed.

(Ord. No. 2005-9, § 11, 9-12-05)